

**House File 448 - Introduced**

HOUSE FILE 448

BY CARLIN

**A BILL FOR**

1 An Act relating to the involuntary commitment of a person with  
2 an intellectual disability who presents a danger to self or  
3 others, and making penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 222.2, Code 2017, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 2A. "*Chemotherapy*" means the same as  
4 defined in section 229.1.

5 NEW SUBSECTION. 2B. "*Clerk*" means the clerk of the district  
6 court.

7 NEW SUBSECTION. 2C. "*Danger to self or others*" describes  
8 the condition of a person with an intellectual disability who,  
9 because of that intellectual disability, meets any of the  
10 following criteria:

11 a. Is likely to physically injure the person's self or  
12 others if allowed to remain at liberty without treatment.

13 b. Is likely to inflict serious emotional injury on the  
14 person's family or others who lack a reasonable opportunity  
15 to avoid contact with the person if the person is allowed to  
16 remain at liberty without treatment.

17 c. Is unable to fulfill the basic needs of the person  
18 including but not limited to nourishment, clothing, essential  
19 medical care, or shelter so that it is likely that the person  
20 will suffer physical injury, physical debilitation, or death.

21 NEW SUBSECTION. 5A. "*Mental health professional*" means the  
22 same as defined in section 228.1.

23 NEW SUBSECTION. 5B. "*Physician*" means a physician licensed  
24 under chapter 148.

25 NEW SUBSECTION. 5C. "*Psychologist*" means a psychologist  
26 licensed under chapter 154B.

27 NEW SUBSECTION. 6A. "*Respondent*" means any person against  
28 whom an application has been filed under section 222.93, but  
29 who has not been finally ordered committed for full-time  
30 custody care and treatment in a state resource center or an  
31 appropriate public or private facility.

32 NEW SUBSECTION. 6B. "*Serious emotional injury*" means the  
33 same as defined in section 229.1.

34 Sec. 2. NEW SECTION. 222.93 Application for order of  
35 involuntary commitment.

1     1. Proceedings for the involuntary commitment of a person  
2 with an intellectual disability who presents a danger to  
3 self or others may be commenced by any interested person by  
4 filing a verified application with the clerk of the county  
5 where the respondent is presently located, or in which the  
6 respondent's place of residence is located. The clerk, or the  
7 clerk's designee, shall assist the applicant in completing the  
8 application.

9     2. The application shall state the applicant's belief that  
10 the respondent is a person with an intellectual disability who  
11 presents a danger to self or others.

12     3. The application shall be accompanied by any of the  
13 following:

14     a. A written statement of a physician or psychologist in  
15 support of the application.

16     b. One or more supporting affidavits otherwise corroborating  
17 the application.

18     c. Corroborative information obtained and reduced to  
19 writing by the clerk or the clerk's designee, but only when  
20 circumstances make it infeasible to comply with, or when the  
21 clerk considers it appropriate to supplement the information  
22 supplied pursuant to either paragraph "a" or "b".

23     Sec. 3. NEW SECTION. **222.94 Service of notice upon**  
24 **respondent.**

25     Upon the filing of an application pursuant to section  
26 222.93, the clerk shall docket the case and immediately notify  
27 a district judge, district associate judge, or magistrate who  
28 is admitted to the practice of law in this state, who shall  
29 review the application and accompanying documentation. If  
30 the application is adequate as to form, the court may set a  
31 time and place for a hearing on the application, if feasible,  
32 but the hearing shall not be held less than forty-eight hours  
33 after notice to the respondent unless the respondent waives  
34 such minimum prior notice requirement. The court shall direct  
35 the clerk to send copies of the application and supporting

1 documentation, together with a notice informing the respondent  
2 of the procedures required by this chapter, to the sheriff or  
3 the sheriff's deputy for immediate service upon the respondent.  
4 If the respondent is taken into custody under section 222.99,  
5 service of the application, documentation, and notice upon the  
6 respondent shall be made at the time the respondent is taken  
7 into custody.

8     Sec. 4. NEW SECTION.   **222.95 Involuntary proceedings —**  
9 **minors — jurisdiction.**

10     The juvenile court has exclusive original jurisdiction in  
11 proceedings concerning a minor for whom an application is filed  
12 under section 222.93. In proceedings concerning a minor's  
13 involuntary commitment or treatment, the term "*court*", "*judge*",  
14 or "*clerk*" means the juvenile court, judge, or clerk.

15     Sec. 5. NEW SECTION.   **222.96 Procedure after application**  
16 **filed.**

17     As soon as practicable after the filing of an application  
18 pursuant to section 222.93, the court shall do all of the  
19 following:

20     1. Determine whether the respondent has an attorney  
21 who is able and willing to represent the respondent in the  
22 commitment proceeding, and if not, whether the respondent  
23 is financially able to employ an attorney and capable of  
24 meaningfully assisting in selecting one. In accordance with  
25 those determinations, the court shall if necessary allow the  
26 respondent to select, or shall assign an attorney for the  
27 respondent. If the respondent is financially unable to pay  
28 an attorney, the attorney shall be compensated by the mental  
29 health and disability services region at an hourly rate to be  
30 established by the regional administrator for the county in  
31 which the proceeding is held in substantially the same manner  
32 as provided in section 815.7.

33     2. Cause copies of the application and supporting  
34 documentation to be sent to the county attorney or the county  
35 attorney's attorney-designate for review.

1     3. Issue a written order which shall do all of the  
2 following:

3     a. If not previously done, set a time and place for a  
4 commitment hearing, which shall be at the earliest practicable  
5 time not less than forty-eight hours after notice to the  
6 respondent, unless the respondent waives such minimum prior  
7 notice requirement.

8     b. Order an examination of the respondent, prior to the  
9 hearing, by one or more physicians or psychologists who shall  
10 submit a written report on the examination to the court as  
11 required by section 222.98.

12     Sec. 6. NEW SECTION.   **222.97 Respondent's attorney informed.**

13     The court shall direct the clerk to furnish at once to the  
14 respondent's attorney copies of the application filed pursuant  
15 to section 222.93 and the supporting documentation, and of the  
16 court's order issued pursuant to section 222.96, subsection  
17 3. If the respondent is taken into custody under section  
18 222.99, the attorney shall also be advised of that fact. The  
19 respondent's attorney shall represent the respondent at all  
20 stages of the proceedings, and shall attend the commitment  
21 hearing.

22     Sec. 7. NEW SECTION.   **222.98 Examination report.**

23     1. a. An examination of the respondent shall be conducted  
24 by one or more physicians or psychologists, as required by the  
25 court's order issued pursuant to section 222.96, subsection  
26 3, within a reasonable time. If the respondent is detained  
27 pursuant to section 222.99, subsection 1, paragraph "b",  
28 the examination shall be conducted within twenty-four hours.  
29 If the respondent is detained pursuant to section 222.99,  
30 subsection 1, paragraph "a" or "c", the examination shall  
31 be conducted within forty-eight hours. If the respondent  
32 so desires, the respondent shall be entitled to a separate  
33 examination by a physician or psychologist of the respondent's  
34 own choice. The reasonable cost of the examinations shall, if  
35 the respondent lacks sufficient funds to pay the cost, be paid

1 by the regional administrator from mental health and disability  
2 services region funds upon order of the court.

3     *b.* A physician or psychologist conducting an examination  
4 pursuant to this section may consult with or request the  
5 participation in the examination of any mental health  
6 professional, and may include with or attach to the written  
7 report of the examination any findings or observations by any  
8 mental health professional who has been so consulted or has so  
9 participated in the examination.

10     *c.* If the respondent is not taken into custody under  
11 section 222.99, but the court is subsequently informed that  
12 the respondent has declined to be examined by the physician or  
13 psychologist pursuant to the court order, the court may order  
14 such limited detention of the respondent as is necessary to  
15 facilitate the examination of the respondent by the physician  
16 or psychologist.

17     2. A written report of the examination by the  
18 court-designated physician or psychologist shall be filed with  
19 the clerk prior to the time set for hearing. A written report  
20 of any examination by a physician or psychologist chosen by the  
21 respondent may be similarly filed. The clerk shall immediately  
22 do all of the following:

23     *a.* Cause the report or reports to be shown to the judge who  
24 issued the order requiring the examination.

25     *b.* Cause the respondent's attorney to receive a copy of the  
26 report of the court-designated physician or psychologist.

27     3. If the report of the court-designated physician or  
28 psychologist is to the effect that the intellectually disabled  
29 individual does not present a danger to self or others,  
30 the court may without taking further action terminate the  
31 proceeding and dismiss the application on its own motion and  
32 without notice.

33     4. If the report of the court-designated physician or  
34 psychologist is to the effect that the respondent is a person  
35 with an intellectual disability who presents a danger to

1 self or others, the court shall schedule a hearing on the  
2 application as soon as possible. The hearing shall be held  
3 not more than forty-eight hours after the report is filed,  
4 excluding Saturdays, Sundays, and holidays, unless an extension  
5 for good cause is requested by the respondent, or as soon  
6 thereafter as possible if the court considers that sufficient  
7 grounds exist for delaying the hearing.

8     Sec. 8. NEW SECTION.   **222.99 Judge may order immediate**  
9 **custody.**

10     1. If the applicant requests that the respondent be taken  
11 into immediate custody and the judge, upon reviewing the  
12 application and accompanying documentation, finds probable  
13 cause to believe that the respondent has an intellectual  
14 disability and is likely to injure the respondent's self or  
15 others if allowed to remain at liberty, the judge may enter  
16 a written order directing that the respondent be taken into  
17 immediate custody by the sheriff or the sheriff's deputy and  
18 be detained until the commitment hearing. The commitment  
19 hearing shall be held no more than five days after the date of  
20 the order, except that if the fifth day after the date of the  
21 order is a Saturday, Sunday, or a holiday, the hearing may be  
22 held on the next succeeding business day. If the expenses of a  
23 respondent are payable in whole or in part by a mental health  
24 and disability services region, for a placement in accordance  
25 with paragraph "a", the judge shall give notice of the placement  
26 to the regional administrator for the respondent's county of  
27 residence, and for a placement in accordance with paragraph  
28 "b" or "c", the judge shall order the placement in a public or  
29 private facility designated through the regional administrator  
30 for the respondent's county of residence. The judge may order  
31 the respondent detained for the period of time until the  
32 hearing is held, and no longer, in accordance with paragraph  
33 "a", if possible, and if not then in accordance with paragraph  
34 "b", or, only if neither of these alternatives is available, in  
35 accordance with paragraph "c". Placement may be:

1     *a.* In the custody of a relative, friend, or other suitable  
2 person who is willing to accept responsibility for supervision  
3 of the respondent, and the respondent may be placed under  
4 such reasonable restrictions as the judge may order including  
5 but not limited to restrictions on or a prohibition of any  
6 expenditure, encumbrance, or disposition of the respondent's  
7 funds or property.

8     *b.* In a suitable public or private facility within  
9 or without the state, approved by the director of human  
10 services, which facility shall be informed of the reasons why  
11 immediate custody has been ordered and may provide treatment  
12 which is necessary to preserve the respondent's life, or to  
13 appropriately control behavior by the respondent which is  
14 likely to result in physical injury to the respondent or  
15 others if allowed to continue, but shall not otherwise provide  
16 treatment to the respondent without the respondent's consent.

17     *c.* In a state resource center or to a special unit, provided  
18 that detention in a jail or other facility intended for  
19 confinement of those accused or convicted of crime shall not  
20 be ordered.

21     2. The clerk shall furnish copies of any orders to the  
22 respondent and to the applicant if the applicant files a  
23 written waiver signed by the respondent.

24     Sec. 9. NEW SECTION.   **222.100 Hearing procedure — findings.**

25     1. At the commitment hearing, evidence in support of the  
26 contentions made in the application shall be presented by the  
27 county attorney. During the hearing the applicant and the  
28 respondent shall be afforded an opportunity to testify and  
29 to present and cross-examine witnesses, and the court may  
30 receive the testimony of any other interested person. The  
31 respondent has the right to be present at the hearing. If  
32 the respondent exercises that right and has been medicated  
33 within twelve hours, or such longer period of time as the  
34 court may designate, prior to the beginning of the hearing  
35 or an adjourned session thereof, the judge shall be informed



1 upon convening of the hearing of that fact and of the probable  
2 effects of the medication.

3 2. All persons not necessary for the conduct of the  
4 hearing shall be excluded, except that the court may admit  
5 persons having a legitimate interest to attend the hearing.  
6 Upon motion of the county attorney, the judge may exclude  
7 the respondent from the hearing during the testimony of any  
8 particular witness if the judge determines that the witness's  
9 testimony is likely to cause the respondent severe emotional  
10 trauma.

11 3. The respondent's welfare shall be paramount and the  
12 hearing shall be conducted in as informal a manner as may be  
13 consistent with orderly procedure, but consistent therewith  
14 the issue shall be tried as a civil matter. Such discovery  
15 as is permitted under the Iowa rules of civil procedure shall  
16 be available to the respondent. The court shall receive  
17 all relevant and material evidence which may be offered and  
18 need not be bound by the rules of evidence. There shall be  
19 a presumption in favor of the respondent, and the burden of  
20 evidence in support of the contentions made in the application  
21 shall be upon the applicant.

22 4. The physician or psychologist who examined the  
23 respondent shall be present at the hearing unless the court  
24 for good cause finds that the physician's or psychologist's  
25 presence is not necessary. The applicant, respondent, and the  
26 respondent's attorney may waive the presence or the telephonic  
27 appearance of the physician or psychologist who examined the  
28 respondent and agree to submit as evidence the written report  
29 of the physician or psychologist. The respondent's attorney  
30 shall inform the court if the respondent's attorney reasonably  
31 believes that the respondent, due to diminished capacity,  
32 cannot make an adequately considered waiver decision. "Good  
33 cause" for finding that the testimony of the physician or  
34 psychologist who examined the respondent is not necessary may  
35 include but is not limited to such a waiver. If the court

1 determines that the testimony of the physician or psychologist  
2 is necessary, the court may allow the physician or the  
3 psychologist to testify by telephone.

4 5. The court shall deny the application and terminate  
5 the commitment hearing if upon completion of the hearing the  
6 court does not find by clear and convincing evidence that the  
7 respondent is a person with an intellectual disability who  
8 presents a danger to self or others.

9 6. If the respondent is not taken into custody under section  
10 222.99, but the court subsequently finds good cause to believe  
11 that the respondent is about to depart from the jurisdiction of  
12 the court, the court may order such limited detention of the  
13 respondent as is authorized by section 222.99 and is necessary  
14 to ensure that the respondent will not depart from the  
15 jurisdiction of the court without the court's approval until  
16 the proceeding relative to the respondent has been concluded.

17 7. The clerk shall furnish copies of any orders to the  
18 respondent and to the applicant if the applicant files a  
19 written waiver signed by the respondent.

20 Sec. 10. NEW SECTION. 222.101 Commitment order.

21 1. Upon completion of the commitment hearing the court shall  
22 commit the respondent to the custody of the superintendent  
23 of a state resource center if it is established by clear  
24 and convincing evidence that the respondent is a person with  
25 an intellectual disability who presents a danger to self or  
26 others.

27 2. The superintendent shall coordinate with the regional  
28 administrator for the respondent's county of residence in  
29 identifying any public or private facilities, either within or  
30 without the state, which would be an appropriate alternative to  
31 the continued placement of the respondent in the state resource  
32 center. If an appropriate public or private facility is  
33 available and is willing to accept placement of the respondent,  
34 the superintendent may transfer the respondent to that public  
35 or private facility.

1     3. The superintendent of a state resource center in  
2 coordination with the regional administrator for the  
3 respondent's county of residence may modify the placement of  
4 the respondent as appropriate.

5     4. The superintendent shall report to the court any changes  
6 in the placement of the respondent.

7     Sec. 11. NEW SECTION. **222.102 Contested placement — notice**  
8 **and hearing.**

9     1. The respondent or the regional administrator of  
10 the respondent's county of residence may challenge the  
11 superintendent's placement of the respondent. A request for  
12 a placement hearing may be signed by the respondent, the  
13 respondent's next friend, guardian, or attorney or by the  
14 regional administrator of the respondent's county of residence.

15     2. *a.* A placement hearing shall be held no sooner than four  
16 days and no later than seven days after the request for the  
17 placement hearing is filed unless otherwise agreed to by the  
18 parties.

19     *b.* The respondent may be transferred to the placement  
20 designated by the superintendent unless a request for hearing  
21 is filed prior to the transfer. If the request for a placement  
22 hearing is filed prior to the transfer, the court shall  
23 determine where the respondent shall be detained until the date  
24 of the hearing.

25     *c.* If the respondent's attorney has withdrawn, the court  
26 shall appoint an attorney for the respondent in the manner  
27 described in section 222.96.

28     3. Time periods shall be calculated for the purposes of this  
29 section excluding weekends and official holidays.

30     4. If a respondent's expenses are payable in whole or  
31 in part by a county, notice of a placement hearing shall be  
32 provided to the county attorney and the regional administrator  
33 of the respondent's county of residence. At the hearing, the  
34 county attorney may present evidence regarding appropriate  
35 placement.

1     5. In a placement hearing, the court shall determine a  
2 placement for the respondent taking into consideration the  
3 evidence presented by all the parties.

4     6. A placement made pursuant to an order entered under  
5 this section shall be considered to be authorized through the  
6 regional administrator of the respondent's county of residence.

7     Sec. 12. NEW SECTION. **222.103 Discharge and termination**  
8 **of proceedings.**

9     1. When the condition of a respondent committed under  
10 section 222.101, subsection 1, is such that in the opinion  
11 of the superintendent the respondent no longer requires  
12 commitment, the superintendent shall tentatively discharge the  
13 respondent and immediately report that fact to the court which  
14 ordered the respondent's commitment.

15     2. Upon receiving the report, the court shall do either of  
16 the following:

17     a. Issue an order confirming the respondent's discharge from  
18 custody and terminating the proceeding pursuant to which the  
19 order of commitment was issued.

20     b. Review the order committing the respondent. If the court  
21 reviews the order of commitment and continues the commitment,  
22 the court must find that the requirements for commitment under  
23 section 222.101, subsection 1, continue to apply.

24     Sec. 13. NEW SECTION. **222.104 Escape from custody.**

25     A person who is committed to a state resource center or  
26 public or private facility under section 222.99 or 222.101  
27 shall remain at the state resource center or public or private  
28 facility unless discharged or otherwise permitted to leave by  
29 the court, the superintendent of the state resource center,  
30 or the administrator of the public or private facility. If a  
31 person placed at a state resource center or public or private  
32 facility leaves the state resource center or public or private  
33 facility without having been discharged or without permission,  
34 the superintendent or person in charge of the public or private  
35 facility may notify the sheriff of the person's absence and

1 the sheriff shall take the person into custody and return the  
2 person promptly to the state resource center or public or  
3 private facility.

4 Sec. 14. NEW SECTION. **222.105 Status of respondent during**  
5 **appeal.**

6 If a respondent appeals to the supreme court from a finding  
7 that sustains the contention that the respondent is a person  
8 with an intellectual disability who presents a danger to self  
9 or others, and the respondent was previously ordered taken  
10 into immediate custody under section 222.99 or has been placed  
11 in a state resource center or public or private facility for  
12 appropriate treatment under section 222.101 before the court is  
13 informed of intent to appeal its finding, the respondent shall  
14 remain in custody as previously ordered by the court, the time  
15 limit stated in section 222.99 notwithstanding, or shall remain  
16 in the state resource center or public or private facility,  
17 subject to compliance by the state resource center or public or  
18 private facility with sections 222.101 through 222.104, as the  
19 case may be, unless the supreme court orders otherwise. If a  
20 respondent appeals to the supreme court regarding a placement  
21 order, the respondent shall remain in placement unless the  
22 supreme court orders otherwise.

23 Sec. 15. NEW SECTION. **222.106 Status of respondent if**  
24 **commitment is delayed.**

25 When the court directs that a respondent who was previously  
26 ordered taken into immediate custody under section 222.99  
27 be placed in a state resource center or public or private  
28 facility for appropriate treatment under section 222.101, and  
29 no suitable state resource center or public or private facility  
30 can immediately admit the respondent, the respondent shall  
31 remain in custody as previously ordered by the court, the  
32 time limit stated in section 222.99 notwithstanding, until a  
33 suitable state resource center or public or private facility  
34 can admit the respondent. The court shall take appropriate  
35 steps to expedite the admission of the respondent to a suitable

1 state resource center or public or private facility at the  
2 earliest feasible time.

3 Sec. 16. NEW SECTION. 222.107 Commitment — emergency  
4 procedure.

5 1. The procedure prescribed by this section shall be used  
6 when it appears that a person should be immediately detained  
7 because the respondent is a person with an intellectual  
8 disability who presents a danger to self or others and an  
9 application has not been filed naming the person as the  
10 respondent pursuant to section 222.93 or the person cannot be  
11 ordered into immediate custody and detained pursuant to section  
12 222.99.

13 2. a. (1) In the circumstances described in subsection  
14 1, any peace officer who has reasonable grounds to believe  
15 that a person believed to have an intellectual disability  
16 who presents a danger to self or others if not immediately  
17 detained, may without a warrant take or cause that person to  
18 be taken to the nearest available state resource center or  
19 public or private facility as described in section 222.99,  
20 subsection 1, paragraph "b" or "c". A person believed to have  
21 an intellectual disability who presents a danger to self or  
22 others if not immediately detained may be delivered to a state  
23 resource center or public or private facility by someone other  
24 than a peace officer.

25 (2) Upon delivery of the person believed to have an  
26 intellectual disability who presents a danger to self or others  
27 to the state resource center or public or private facility,  
28 the examining physician or examining psychologist may order  
29 treatment of the person, including chemotherapy, but only  
30 to the extent necessary to preserve the person's life or to  
31 appropriately control behavior by the person which is likely to  
32 result in physical injury to that person or others if allowed  
33 to continue.

34 (3) The peace officer who took the person into custody,  
35 or other party who brought the person to the state resource

1 center or public or private facility, shall describe the  
2 circumstances of the matter to the examining physician or  
3 examining psychologist. If the person is a peace officer, the  
4 peace officer may do so either in person or by written report.

5 (4) If the examining physician or examining psychologist  
6 finds that there is reason to believe that the person is a  
7 person with an intellectual disability who presents a danger  
8 to self or others if not immediately detained, the examining  
9 physician or examining psychologist shall at once communicate  
10 with the nearest available magistrate as defined in section  
11 801.4.

12 (5) The magistrate shall, based upon the circumstances  
13 described by the examining physician or examining psychologist,  
14 give the examining physician or examining psychologist  
15 oral instructions either directing that the person be  
16 released forthwith or authorizing the person's detention in  
17 an appropriate state resource center or public or private  
18 facility. A peace officer from the law enforcement agency  
19 that took the person into custody, if available, during the  
20 communication with the magistrate, may inform the magistrate  
21 that an arrest warrant has been issued for or charges are  
22 pending against the person and request that any oral or  
23 written order issued under this subsection require the state  
24 resource center or public or private facility to notify the law  
25 enforcement agency about the discharge of the person prior to  
26 discharge. The magistrate may also give oral instructions and  
27 order that the detained person be transported to an appropriate  
28 state resource center or public or private facility.

29 b. If the magistrate orders that the person be detained,  
30 the magistrate shall, by the close of business on the next  
31 working day, file a written order with the clerk in the county  
32 where it is anticipated that an application may be filed under  
33 section 222.93. The order may be filed electronically if  
34 necessary. A peace officer from the law enforcement agency  
35 that took the person into custody, if no request was made under

1 paragraph "a", may inform the magistrate that an arrest warrant  
2 has been issued for or charges are pending against the person  
3 and request that any written order issued under this paragraph  
4 require the state resource center or public or private facility  
5 to notify the law enforcement agency about the discharge of  
6 the person prior to discharge. The order shall state the  
7 circumstances under which the person was taken into custody  
8 or otherwise brought to a state resource center or public or  
9 private facility, and the grounds supporting the finding of  
10 probable cause to believe that the person is a person with  
11 an intellectual disability who presents a danger to self or  
12 others if not immediately detained. The order shall also  
13 include any law enforcement agency notification requirements  
14 if applicable. The written order shall confirm the oral order  
15 authorizing the person's detention including any order given to  
16 transport the person to an appropriate state resource center  
17 or public or private facility. A peace officer from the law  
18 enforcement agency that took the person into custody may also  
19 request an order, separate from the written order, requiring  
20 the state resource center or public or private facility to  
21 notify the law enforcement agency about the discharge of the  
22 person prior to discharge. The clerk shall provide a copy of  
23 the written order or any separate order to the superintendent  
24 of the state resource center or the administrator of the public  
25 or private facility to which the person was originally taken,  
26 to any subsequent state resource center or public or private  
27 facility to which the person was transported, and to any law  
28 enforcement agency or ambulance service that transported the  
29 person pursuant to the magistrate's order.

30 c. If an arrest warrant has been issued for or charges are  
31 pending against the person, but no court order exists requiring  
32 notification to a law enforcement agency under paragraph "a" or  
33 "b", and if the peace officer delivers the person to a state  
34 resource center or public or private facility and the peace  
35 officer notifies the state resource center or public or private



1 facility in writing on a form prescribed by the department  
2 of public safety that the state resource center or public or  
3 private facility is required to notify the law enforcement  
4 agency about the discharge of the person prior to discharge,  
5 the state resource center or public or private facility shall  
6 do all of the following:

7     (1) Notify the dispatch of the law enforcement agency that  
8 employs the peace officer by telephone prior to the discharge  
9 of the person from the state resource center or public or  
10 private facility.

11     (2) Notify the law enforcement agency that employs the peace  
12 officer by electronic mail prior to the discharge of the person  
13 from the state resource center or public or private facility.

14     3. The superintendent of a state resource center or the  
15 administrator of the public or private facility shall examine  
16 and may detain and care for the person taken into custody under  
17 the magistrate's order for a period not to exceed forty-eight  
18 hours from the time such order is dated, excluding Saturdays,  
19 Sundays, and holidays, unless the order is sooner dismissed by  
20 a magistrate. The state resource center or public or private  
21 facility may provide treatment which is necessary to preserve  
22 the person's life, or to appropriately control behavior by the  
23 person which is likely to result in physical injury to the  
24 person's self or others if allowed to continue, but shall not  
25 otherwise provide treatment to the person without the person's  
26 consent. The person shall be discharged from the state  
27 resource center or public or private facility and released from  
28 custody not later than the expiration of that period, unless an  
29 application is sooner filed with the clerk pursuant to section  
30 222.93. Prior to such discharge, the state resource center or  
31 public or private facility shall, if required by this section,  
32 notify the law enforcement agency requesting such notification  
33 about the discharge of the person. The law enforcement  
34 agency shall retrieve the person no later than six hours after  
35 notification from the state resource center or public or

1 private facility but in no circumstances shall the detention of  
2 the person exceed the period of time prescribed for detention  
3 by this subsection. The detention of a person by the procedure  
4 and not in excess of the period of time prescribed by this  
5 section shall not render the peace officer, physician, state  
6 resource center, or public or private facility so detaining the  
7 person liable in a criminal or civil action for false arrest  
8 or false imprisonment if the peace officer, physician, state  
9 resource center, or public or private facility had reasonable  
10 grounds to believe the person so detained was a person with an  
11 intellectual disability and likely to physically injure the  
12 person's self or others if not immediately detained, or if  
13 the state resource center or public or private facility was  
14 required to notify a law enforcement agency by this section,  
15 and the law enforcement agency requesting notification prior to  
16 discharge retrieved the person no later than six hours after  
17 the notification, and the detention prior to the retrieval of  
18 the person did not exceed the period of time prescribed for  
19 detention by this subsection.

20 4. The cost of placement of a person detained temporarily by  
21 the procedure prescribed in this section shall be paid by the  
22 procedure prescribed in sections 222.50 and 222.60.

23 5. The department of public safety shall prescribe the form  
24 to be used when a law enforcement agency desires notification  
25 under this section from a state resource center or public or  
26 private facility prior to discharge of a person admitted to  
27 the state resource center or public or private facility and  
28 for whom an arrest warrant has been issued or against whom  
29 charges are pending. The form shall be consistent with all  
30 laws, regulations, and rules relating to the confidentiality or  
31 privacy of personal information or medical records, including  
32 but not limited to the federal Health Insurance Portability  
33 and Accountability Act of 1996, Pub. L. No. 104-191, and  
34 regulations promulgated in accordance with that Act and  
35 published in 45 C.F.R. pts. 160-164.

1     6. A state resource center or public or private facility,  
 2 which has been notified by a peace officer or a law enforcement  
 3 agency by delivery of a form as prescribed by the department of  
 4 public safety indicating that an arrest warrant has been issued  
 5 for or charges are pending against a person admitted to the  
 6 state resource center or public or private facility, that does  
 7 not notify the law enforcement agency about the discharge of  
 8 the person as required by subsection 2, paragraph "c", shall pay  
 9 a civil penalty as provided in section 805.8C, subsection 9.

10     Sec. 17. NEW SECTION. **222.108 Records of involuntary**  
 11 **commitment proceeding to be confidential.**

12     1. All papers and records pertaining to any involuntary  
 13 commitment ordered under this chapter or application filed  
 14 pursuant to section 222.93 of any person, whether part of the  
 15 permanent record of the court or of a file in the department of  
 16 human services, are subject to inspection only upon an order of  
 17 the court for good cause shown.

18     2. If authorized in writing by a person who has been the  
 19 subject of any involuntary proceeding under this chapter, or by  
 20 the parent or guardian of the person, information regarding the  
 21 person which is confidential under subsection 1 may be released  
 22 to any other designated person.

23     3. If all or part of the costs associated with the  
 24 commitment of a person under this chapter are chargeable to a  
 25 county of residence, the clerk shall provide to the regional  
 26 administrator for the county of residence and to the regional  
 27 administrator for the county in which the commitment order is  
 28 entered the following information pertaining to the person  
 29 which would be confidential under subsection 1:

30     a. Administrative information, as defined in section 228.1.

31     b. An examination order under this chapter and the location  
 32 of the person's placement under the order.

33     c. A commitment or placement order under this chapter and  
 34 the location of the person's placement under the order.

35     d. The date, location, and disposition of any hearing

1 concerning the person held under this chapter.

2     *e.* Any payment source available for the costs of the  
3 person's care.

4     4. This section shall not prohibit any of the following:

5     *a.* A public or private facility from complying with  
6 the requirements of this chapter relative to financial  
7 responsibility for the cost of care and treatment provided or  
8 from properly billing any responsible relative or third-party  
9 payer for such care or treatment.

10    *b.* A court or the department of public safety from  
11 forwarding to the federal bureau of investigation information  
12 that a person has been disqualified from possessing, shipping,  
13 transporting, or receiving a firearm pursuant to section  
14 724.31.

15    Sec. 18. NEW SECTION. 222.109 Medical records to be  
16 confidential — exceptions.

17    1. *a.* The records maintained by a state resource center  
18 or public or private facility relating to the examination,  
19 custody, care, and treatment of any person in that state  
20 resource center or public or private facility pursuant to this  
21 chapter shall be confidential, except that the superintendent  
22 of a state resource center or the administrator of a public or  
23 private facility shall release appropriate information under  
24 any of the following circumstances:

25       (1) The information is requested by a physician, attorney,  
26 or advocate who provides the superintendent of a state resource  
27 center or the administrator of a public or private facility  
28 with a written waiver signed by the person about whom the  
29 information is sought.

30       (2) The information is sought by a court order.

31       (3) The person who is committed or that person's guardian,  
32 if the person is a minor or is not legally competent to do so,  
33 signs an informed consent to release information. Each signed  
34 consent shall designate specifically the person or agency to  
35 whom the information is to be sent, and the information may be

1 released only to that person or agency.

2     **b.** Such records may be released by the superintendent of  
3 a state resource center or the administrator of a public or  
4 private facility when requested for the purpose of research  
5 into the causes, incidence, nature, and treatment of persons  
6 with an intellectual disability who present a danger to self  
7 or others; however, information shall not be provided in a way  
8 that discloses patients' names or which otherwise discloses any  
9 patient's identity.

10     2. When the superintendent of a state resource center or the  
11 administrator of a public or private facility deems it to be  
12 in the best interest of the patient and the patient's next of  
13 kin to do so, the superintendent or administrator may release  
14 appropriate information during a consultation which the state  
15 resource center or public or private facility shall arrange  
16 with the next of kin of a voluntary or involuntary patient, if  
17 requested by the patient's next of kin.

18     Sec. 19. NEW SECTION.   **222.110 Exclusive procedure for**  
19 **involuntary commitment.**

20     Sections 222.93 through 222.107 constitute the exclusive  
21 procedure for involuntary commitment of a person if there  
22 is reason to believe that the person is a person with an  
23 intellectual disability who presents a danger to self or others  
24 in this state, except that this chapter does not negate the  
25 provisions of section 904.503 relating to transfer of prisoners  
26 with mental illness to state hospitals for persons with mental  
27 illness and does not apply to commitments of persons under  
28 chapter 812 or the rules of criminal procedure, Iowa court  
29 rules, or negate the provisions of section 232.51 relating to  
30 disposition of children with mental illness or an intellectual  
31 disability.

32     Sec. 20. NEW SECTION.   **222.111 Rules for proceedings.**

33     The supreme court may prescribe rules of pleading, practice,  
34 and procedure and the forms of process, writs, and notices  
35 under section 602.4201, for all commitment proceedings in

1 a court of this state under this chapter. The rules shall  
 2 be drawn for the purpose of simplifying and expediting the  
 3 proceedings, so far as is consistent with the rights of the  
 4 parties involved. The rules shall not abridge, enlarge, or  
 5 modify the substantive rights of a party to a commitment  
 6 proceeding under this chapter.

7 Sec. 21. Section 331.653, subsection 23, Code 2017, is  
 8 amended to read as follows:

9 23. Carry out duties relating to the involuntary  
 10 hospitalization of persons with mental illness as provided  
 11 in sections 229.7 and 229.11 and carry out duties related to  
 12 the involuntary commitment of persons with an intellectual  
 13 disability who present a danger to self or others as provided  
 14 in sections 222.94 and 222.99.

15 Sec. 22. Section 602.4201, subsection 3, Code 2017, is  
 16 amended by adding the following new paragraph:

17 NEW PARAGRAPH. *i.* Involuntary commitment of persons with an  
 18 intellectual disability who present a danger to self or others.

19 Sec. 23. Section 805.8C, subsection 9, Code 2017, is amended  
 20 to read as follows:

21 9. *Notification violations.* For violations of section  
 22 222.107, subsection 6, and section 229.22, subsection 6, the  
 23 scheduled fine is one thousand dollars for a first violation  
 24 and two thousand dollars for a second or subsequent violation.  
 25 The scheduled fine under this subsection is a civil penalty,  
 26 and the criminal penalty surcharge under section 911.1 shall  
 27 not be added to the penalty.

## 28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with  
 30 the explanation's substance by the members of the general assembly.

31 This bill relates to the involuntary commitment of a person  
 32 with an intellectual disability who presents a danger to self  
 33 or others.

34 INVOLUNTARY COMMITMENT APPLICATION — PERSON WITH  
 35 INTELLECTUAL DISABILITY — DANGER TO SELF OR OTHERS. The bill

1 provides that any interested person may file an involuntary  
2 commitment application for a person with an intellectual  
3 disability who presents a danger to self or others with the  
4 clerk of the district court of the county where the respondent  
5 is presently located or which is the respondent's place of  
6 residence. The application must contain information that the  
7 respondent is a person with an intellectual disability who,  
8 due to the person's intellectual disability, presents a danger  
9 to self or others. The application must also be supported  
10 by a written statement of a physician or psychologist in  
11 support of the application; one or more supporting affidavits  
12 otherwise corroborating the application; or other corroborative  
13 information, if necessary. Intellectual disability is defined  
14 in Code section 4.1 as a disability of children and adults  
15 who as a result of inadequately developed intelligence have  
16 a significant impairment in ability to learn or to adapt to  
17 the demands of society, and, if a diagnosis is required,  
18 intellectual disability means a diagnosis of mental retardation  
19 as defined in the diagnostic and statistical manual of mental  
20 disorders, fourth edition, text revised, published by the  
21 American psychiatric association. Danger to self or others  
22 is defined in the bill as a condition of a person with an  
23 intellectual disability who, because of that intellectual  
24 disability, is likely to physically injure the person's self  
25 or others if allowed to remain at liberty without treatment;  
26 is likely to inflict serious emotional injury on the person's  
27 family or others who lack a reasonable opportunity to avoid  
28 contact with the person if the person is allowed to remain at  
29 liberty without treatment; or is unable to fulfill the basic  
30 needs of the person including but not limited to nourishment,  
31 clothing, essential medical care, or shelter so that it is  
32 likely that the person will suffer physical injury, physical  
33 debilitation, or death.

34 JUVENILES — JURISDICTION. The bill provides that the  
35 juvenile court has exclusive original jurisdiction in

1 proceedings concerning a minor for whom an application is filed  
2 under the bill.

3     PROCEDURE AFTER APPLICATION FILED. The bill provides that,  
4 as soon as practicable after the filing of an application, the  
5 court is required to determine whether the respondent has an  
6 attorney and if not, whether the respondent is financially able  
7 to employ an attorney and capable of meaningfully assisting in  
8 selecting one. If the respondent is financially unable to pay  
9 an attorney, the attorney shall be compensated by the county  
10 at an hourly rate to be established by the mental health and  
11 disability services region. The court is also required to  
12 send copies of the application to the county attorney, issue  
13 a written order setting a time and place for a commitment  
14 hearing, which shall be at the earliest practicable time not  
15 less than 48 hours after notice to the respondent, unless  
16 the respondent waives the notice requirement, and order an  
17 examination of the respondent, prior to the hearing by one or  
18 more physicians or psychologists.

19     EXAMINATION. The bill provides that the respondent shall  
20 be examined by one or more physicians or psychologists, as  
21 required by the court's order, within a reasonable time. If  
22 the respondent is detained, the examination shall be conducted  
23 within 24 hours or 48 hours depending upon the circumstances  
24 of the detainment. The respondent may also request a separate  
25 examination by a physician or psychologist of the respondent's  
26 own choice. The reasonable cost of the examinations shall, if  
27 the respondent lacks sufficient funds to pay the cost, be paid  
28 by the regional administrator from mental health and disability  
29 services upon order of the court. A physician or psychologist  
30 conducting an examination may consult with or request a mental  
31 health professional to participate in the examination.

32     EXAMINATION REPORT. A written report of the examination by  
33 any physician or psychologist (court-designated or a physician  
34 or psychologist chosen by the respondent) shall be filed with  
35 the clerk of the district court prior to the time set for the



1 hearing and the clerk must provide the report or reports to the  
2 judge and the respondent's attorney.

3 If the report of the court-designated physician or  
4 psychologist concludes that the respondent is a person with an  
5 intellectual disability who does not present a danger to self  
6 or others, the court may terminate the commitment proceeding  
7 and dismiss the application on its own motion and without  
8 notice. If the report of the court-designated physician or  
9 psychologist concludes that the respondent is a person with  
10 an intellectual disability who presents a danger to self or  
11 others, the court is required to schedule a hearing on the  
12 application as soon as possible and not more than 48 hours  
13 after the report is filed unless an extension for good cause is  
14 shown.

15 IMMEDIATE CUSTODY. If the applicant requests that the  
16 respondent be taken into immediate custody and the judge finds  
17 probable cause to believe that the respondent is a person  
18 with an intellectual disability and is likely to injure the  
19 respondent's self or others if allowed to remain at liberty,  
20 the judge may enter a written order directing that the  
21 respondent be taken into immediate custody by the sheriff or  
22 the sheriff's deputy and be detained until the commitment  
23 hearing. In this case, the commitment hearing shall be held no  
24 more than five days after the date of the order or on the next  
25 succeeding business day.

26 If the expenses of a respondent are payable in whole or in  
27 part by a mental health and disability services region, and the  
28 respondent is placed in the custody of a relative, friend, or  
29 other suitable person who is willing to accept responsibility  
30 for supervision of the respondent, the court is required to  
31 give notice of the placement to the regional administrator  
32 for the respondent's county of residence. If the respondent  
33 is placed in a suitable public or private facility within or  
34 without the state, approved by the director of human services,  
35 the court is required to order the placement in a public or

1 private facility designated through the regional administrator  
2 for the respondent's county of residence. If neither of these  
3 alternatives is available, the court may order the respondent  
4 be placed in a state resource center or in a special unit.

5     **COMMITMENT HEARING.** At the commitment hearing, the  
6 respondent's welfare is paramount and the hearing shall  
7 be conducted in an informal manner consistent with orderly  
8 procedure. Evidence in support of the contentions made in the  
9 application is presented by the county attorney. During the  
10 hearing, the applicant and the respondent have the opportunity  
11 to testify and to cross-examine witnesses and the court may  
12 receive the testimony of any other interested person. The  
13 respondent has the right to be present at the hearing and the  
14 court may admit persons having a legitimate interest to attend  
15 the hearing. The court may exclude the respondent from the  
16 hearing during the testimony of any particular witness if the  
17 court determines that the witness's testimony is likely to  
18 cause the respondent severe emotional trauma. There shall be  
19 a presumption in favor of the respondent, and the burden of  
20 evidence in support of the contentions made in the application  
21 shall be upon the applicant. The physician or psychologist  
22 who examined the respondent is required to be present at  
23 the hearing unless the court for good cause finds that the  
24 physician's or psychologist's presence is not necessary or the  
25 physician's or psychologist's presence is waived. If upon  
26 completion of the hearing the court finds that the contentions  
27 that form the basis for the commitment hearing have not been  
28 sustained by clear and convincing evidence, it shall deny the  
29 application and terminate the proceeding.

30     **COMMITMENT ORDER.** The court shall commit the respondent to  
31 the custody of the superintendent of a state resource center  
32 for placement if it is established by clear and convincing  
33 evidence that the respondent is a person with an intellectual  
34 disability who presents a danger to self or others.

35     The superintendent is required to coordinate with the

1 regional administrator for the respondent's county of residence  
2 in identifying any public or private facilities, either  
3 within or without the state, which would be an appropriate  
4 alternative to the continued placement of the respondent in the  
5 state resource center. If an appropriate public or private  
6 facility is available and is willing to accept placement of the  
7 respondent, the superintendent may transfer the respondent to  
8 that public or private facility.

9 The superintendent of a state resource center in  
10 coordination with the regional administrator for the  
11 respondent's county of residence may modify the placement of  
12 the respondent as appropriate and shall report to the court any  
13 changes in the placement of the respondent.

14 CONTESTED PLACEMENT — NOTICE AND HEARING. The regional  
15 administrator of the respondent's county of residence or the  
16 respondent may challenge the superintendent's placement of  
17 the respondent. A placement hearing shall be held no sooner  
18 than four days and no later than seven days after the request  
19 for the placement hearing is filed unless otherwise agreed  
20 to by the parties. The respondent may be transferred to the  
21 placement designated by the superintendent unless a request for  
22 hearing is filed prior to the transfer. If the request for a  
23 placement hearing is filed prior to the transfer, the court  
24 shall order where the respondent shall be detained until the  
25 date of the hearing. In a placement hearing, the court shall  
26 order a placement for the respondent taking into consideration  
27 the evidence presented by all the parties. A placement made  
28 pursuant to an order entered under this provision shall be  
29 considered to be authorized through the regional administrator  
30 of the respondent's county of residence.

31 DISCHARGE AND TERMINATION OF PROCEEDINGS. When the  
32 condition of a committed respondent is such that in the  
33 opinion of the superintendent the respondent no longer requires  
34 commitment, the superintendent shall tentatively discharge the  
35 respondent and immediately report that fact to the court which

1 ordered the respondent's commitment and the court may issue an  
2 order confirming the respondent's discharge from custody and  
3 terminating the proceeding or continue the commitment if the  
4 court finds the requirements for commitment continue to apply.

5     ESCAPE FROM CUSTODY. If a person placed at a state resource  
6 center or public or private facility leaves the state resource  
7 center or public or private facility without having been  
8 discharged or without permission, the superintendent or person  
9 in charge of the public or private facility may notify the  
10 sheriff of the person's absence and the sheriff shall take the  
11 person into custody and return the person promptly to the state  
12 resource center or public or private facility.

13     STATUS OF RESPONDENT DURING APPEAL. If a respondent appeals  
14 to the Iowa supreme court from a finding that the contention  
15 that the respondent is a person with an intellectual disability  
16 who presents a danger to self or others has been sustained,  
17 and the respondent was previously ordered taken into immediate  
18 custody or has been placed in a state resource center or public  
19 or private facility for appropriate treatment before the court  
20 is informed of intent to appeal its finding, the respondent  
21 shall remain in custody or shall remain in the state resource  
22 center or public or private facility unless the supreme court  
23 orders otherwise. If a respondent appeals to the supreme court  
24 regarding a placement order, the respondent shall remain in  
25 placement unless the supreme court orders otherwise.

26     STATUS OF RESPONDENT IF COMMITMENT DELAYED. When the court  
27 directs that a respondent who was previously ordered taken  
28 into immediate custody be placed in a state resource center or  
29 public or private facility for appropriate treatment and no  
30 suitable state resource center or public or private facility  
31 can immediately admit the respondent, the respondent shall  
32 remain in custody as previously ordered by the court until a  
33 suitable state resource center or public or private facility  
34 can admit the respondent.

35     EMERGENCY COMMITMENT — PROCEDURE. The bill provides

1 an emergency commitment procedure for a situation where a  
2 person should be immediately detained due to the person having  
3 an intellectual disability and presenting a danger to self  
4 or others if an application has not been filed naming the  
5 person as the respondent or the person cannot be ordered into  
6 immediate custody and detained.

7 A peace officer or someone other than a peace officer who has  
8 reasonable grounds to believe that a person has an intellectual  
9 disability and presents a danger to self or others if not  
10 immediately detained, may without a warrant take or cause that  
11 person to be taken to the nearest available state resource  
12 center or public or private facility. Upon delivery of the  
13 person to the state resource center or a public or private  
14 facility, the examining physician or examining psychologist may  
15 order emergency treatment of that person. If the examining  
16 physician or examining psychologist finds that there is reason  
17 to believe that the person is a person with an intellectual  
18 disability who presents a danger to self or others if not  
19 immediately detained, the examining physician or examining  
20 psychologist shall at once communicate with the nearest  
21 available magistrate who shall, based upon the circumstances  
22 described by the examining physician or examining psychologist,  
23 give the examining physician or examining psychologist oral  
24 instructions either directing that the person be released or  
25 authorizing the person's detention in an appropriate state  
26 resource center or public or private facility.

27 A peace officer from the law enforcement agency that took the  
28 person into custody may inform the magistrate who ordered that  
29 the person be detained that an arrest warrant has been issued  
30 for or charges are pending against the person and request that  
31 any written order issued require the state resource center  
32 or public or private facility to notify the law enforcement  
33 agency about the discharge of the person prior to discharge.  
34 A peace officer from the law enforcement agency that took  
35 the person into custody may also request an order, separate

1 from the written order, requiring the state resource center  
2 or public or private facility to notify the law enforcement  
3 agency about the discharge of the person prior to discharge.  
4 The clerk shall provide a copy of the written order or any  
5 separate order to the superintendent of the state resource  
6 center or the administrator of the public or private facility  
7 to which the person was originally taken, to any subsequent  
8 state resource center or public or private facility to which  
9 the person was transported, and to any law enforcement agency  
10 or ambulance service that transported the person pursuant to  
11 the magistrate's order.

12 The superintendent of a state resource center or the  
13 administrator of the public or private facility shall examine  
14 and may detain and care for the person taken into custody under  
15 the magistrate's order for a period not to exceed 48 hours  
16 from the time such order is dated unless dismissed earlier by  
17 a magistrate. The state resource center or public or private  
18 facility may provide treatment which is necessary to preserve  
19 the person's life, or to appropriately control behavior by the  
20 person which is likely to result in physical injury to the  
21 person's self or others if allowed to continue, but shall not  
22 otherwise provide treatment to the person without the person's  
23 consent. The person shall be discharged from the state  
24 resource center or public or private facility and released from  
25 custody not later than the expiration of that period, unless an  
26 application for involuntary commitment is filed.

27 Prior to such discharge, the state resource center or  
28 public or private facility shall, if required, notify the law  
29 enforcement agency requesting such notification about the  
30 discharge of the person. The law enforcement agency shall  
31 retrieve the person no later than six hours after notification  
32 from the state resource center or public or private facility  
33 but in no circumstances shall the detention of the person  
34 exceed the period of time prescribed for detention. The  
35 detention of a person by the procedure and not in excess of the

1 period of time prescribed shall not render the peace officer,  
2 physician, state resource center, or public or private facility  
3 so detaining the person liable in a criminal or civil action  
4 for false arrest or false imprisonment if the peace officer,  
5 physician, state resource center, or public or private facility  
6 had reasonable grounds to believe the person so detained is a  
7 person with an intellectual disability who presents a danger  
8 to self or others if not immediately detained, or if the state  
9 resource center or public or private facility was required  
10 to notify a law enforcement agency, and the law enforcement  
11 agency requesting notification prior to discharge retrieved the  
12 person no later than six hours after the notification, and the  
13 detention prior to the retrieval of the person did not exceed  
14 the period of time prescribed for detention. A state resource  
15 center or public or private facility properly notified that  
16 does not notify the law enforcement agency about the discharge  
17 of the person under the emergency commitment procedures in the  
18 bill may be subject to a civil penalty.

19 RECORDS — CONFIDENTIALITY. The bill provides that all  
20 papers and records pertaining to any involuntary commitment or  
21 application of any person under the bill, whether part of the  
22 permanent record of the court or of a file in the department  
23 of human services, are subject to public inspection only upon  
24 an order of the court for good cause shown or if authorized  
25 by a person who has been the subject of any involuntary  
26 proceeding under the bill or by the parent or guardian of that  
27 person. Certain information relating to costs associated with  
28 the commitment of a person under the bill may be released to  
29 certain entities.

30 The bill further provides that the medical records  
31 maintained by a state resource center or public or private  
32 facility relating to the examination, custody, care, and  
33 treatment of any person in that state resource center or  
34 public or private facility shall be confidential, except for  
35 requests by a physician, attorney, or advocate who provides the

1 superintendent of a state resource center or the administrator  
2 of a public or private facility with a written waiver signed  
3 by the person about whom the information is sought, a court  
4 order, or through informed consent. Such medical records  
5 may also be released by the superintendent of a state  
6 resource center or the administrator of a public or private  
7 facility when requested for the purpose of research into the  
8 causes, incidence, nature, and treatment of persons with an  
9 intellectual disability who present a danger to self or others.

10 EXCLUSIVE PROCEDURE. The bill provides the exclusive  
11 procedure for involuntary commitment of persons with an  
12 intellectual disability who present a danger to self or  
13 others in this state, except that the bill does not negate  
14 the provisions of Code section 904.503 relating to transfer  
15 of prisoners with mental illness to state hospitals for  
16 persons with mental illness and does not apply to commitments  
17 of persons under Code chapter 812 or the rules of criminal  
18 procedure, Iowa court rules, or negate the provisions of Code  
19 section 232.51 relating to disposition of children with mental  
20 illness or an intellectual disability.

21 MISCELLANEOUS. The bill contains provisions relating to  
22 service of notice and supreme court rules of proceedings.

23 The bill makes conforming Code changes relating to the  
24 duties of the sheriff, the authority of the supreme court  
25 to prescribe rules governing actions and proceedings, and  
26 miscellaneous scheduled violations. The bill also provides  
27 related definitions.